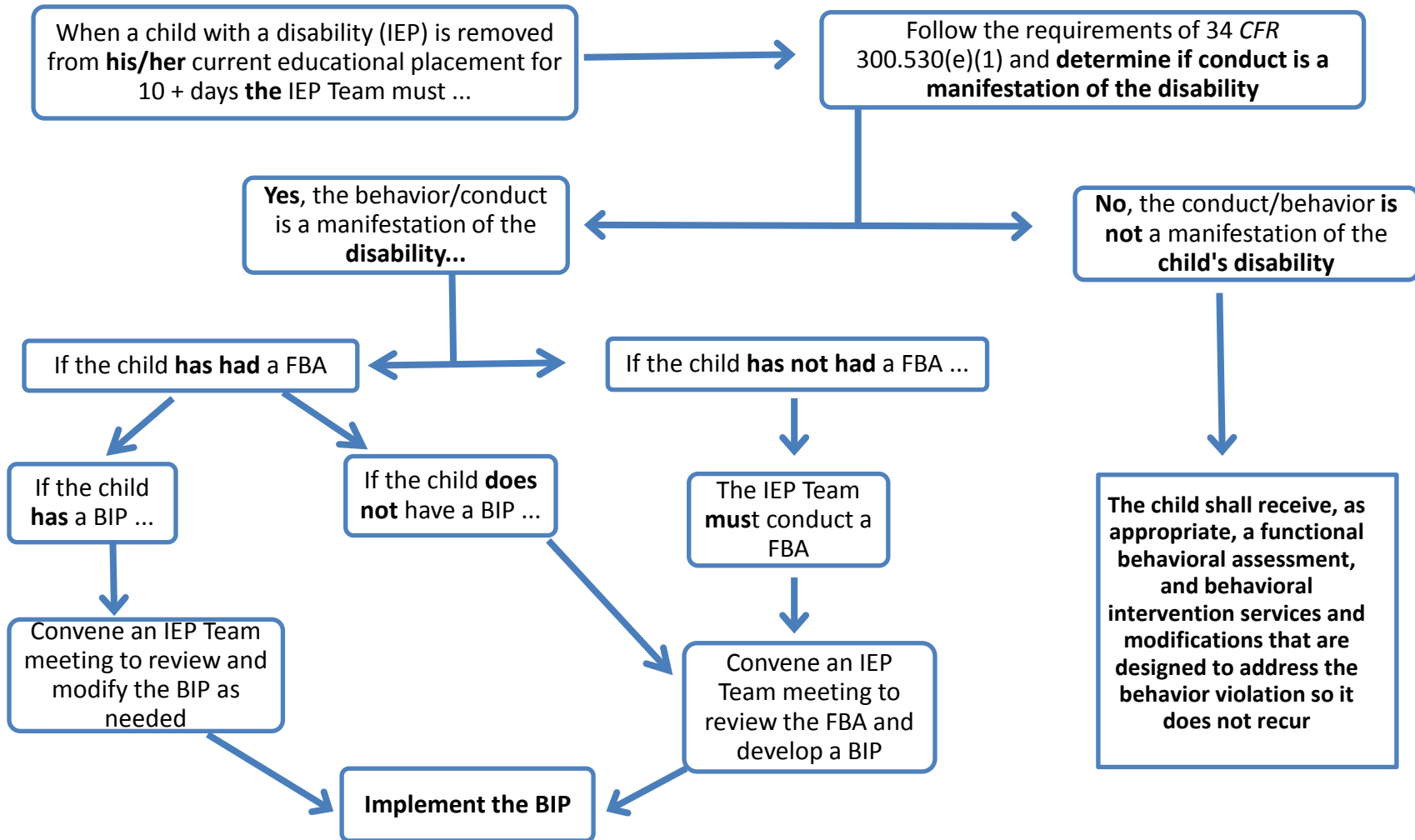


**Chart A: Individualized Educational Program Team Considerations for a Student Requiring a Manifestation Determination**



**Key:**

- **IEP** – Individualized Educational Program; **BIP** – Behavioral Intervention Plan; **FBA** – Functional Behavioral Assessment

## Chart B: Emergency Behavioral Interventions

**“Emergency behavioral interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs (or others) that cannot be immediately prevented by a response less restrictive than the temporary application of a technique to contain the behavior.” [EC 56521.1(a)]**

Local Educational Agency staff or contractor uses an Emergency Behavioral Intervention on a student with an Individualized Educational Program [see restrictions listed in *California Education Code (EC) 56521.1(b – d)*]

- Parent/Guardian (residential care provider if appropriate) shall be notified of the use of an Emergency Behavioral Intervention on a student with an Individualized Educational Program (IEP) within one school day.
- A Behavior Emergency Report (BER) shall be completed immediately and maintained in the special education student’s file [see *EC 56521.1(e)* for contents of the report].

All BERs shall immediately be forwarded to, and reviewed by, a designated responsible administrator.

If a BER is written regarding a student with an IEP who does not have a Behavioral Intervention Plan, the designated responsible administrator shall, within two days, schedule IEP team meeting to review the BER, to determine the necessity for a FBA, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the FBA, not developing an interim plan, or both.

If a BER is written regarding a special education student who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, the BER shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavioral intervention plan.